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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,551	05/25/2000	William Y. Conwell	60204	5990

23735 7590 08/12/2002

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EXAMINER
ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/578,551	CONWELL ET AL.	
	Examiner	Art Unit	
	Mohammad Ali	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is responsive to the application filed on May 25, 2000.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> " A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."
>
> If this application currently names joint inventors, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary in considering patentability of the claims under 35 U.S.C. § 103. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

4. Claims 1-5, 7-12, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Paten 6,269,361 issued to Davis et al. ("Davis") in view of US Patent 6,389,467 issued to Aviv Eyal ("Eyal").

Davis renders obvious independent claim 1 by the following:

"a method of operating a database that has plural records, the methods including receiving queries,..." at Abstract:

"receiving a query from a user including an identifier,...."at col. 5 lines 18-52;

"permitting the user to create an active database record,..." at col. 4 lines 34-48.

Davis does not explicitly teach the media content object, but Eyal does teach at col. 9 lines 49 to col. 10 lines 32.

Thus it would have been to obvious one ordinarily skilled in the art at the time of the invention was made to have "media content object in a computer system that enables a continuous streaming media playback from a distribution of sites available over a network such as the Internet" of Eyal to "a system and method for enabling a web site promoter using computer network to influence a position within a search result list generated by an Internet search engine of Davis in order to have means for enabling a web site for a media content object in the network system over the Internet at col. 9 lines 49 to col. 10 lines 32, Abstract, Eyal.

Davis renders obvious independent claim 4 by the following:

"deriving an identifier,..." at Abstract;

"querying the database with the derived identifier" at Abstract;

"....,permitting a party who first queried the database,..." at col. 4 lines 34-48.

Davis does not explicitly teach the media content object, but Eyal does teach at col. 9 lines 49 to col. 10 lines 32.

Thus it would have been to obvious one ordinarily skilled in the art at the time of the invention was made to have "media content object in a computer system that enables a continuous streaming media playback from a distribution of sites available over a network such as the Internet" of Eyal to "a system and method for enabling a web site promoter using computer network to influence a position within a search result list generated by an Internet search engine of Davis in order to have means for enabling a web site for a media content object in the network system over the Internet at col. 9 lines 49 to col. 10 lines 32, Abstract, Eyal.

As per claims 18-19, Davis teaches "identifier corresponds and derived,...."at Abstract.

Davis does not explicitly teach the media content object, but Eyal does teach at col. 9 lines 49 to col. 10 lines 32.

Thus it would have been to obvious one ordinarily skilled in the art at the time of the invention was made to have "media content object in a computer system that enables a continuous streaming

media playback from a distribution of sites available over a network such as the Internet" of Eyal to "a system and method for enabling a web site promoter using computer network to influence a position within a search result list generated by an Internet search engine of Davis in order to have means for enabling a web site for a media content object in the network system over the Internet at col. 9 lines 49 to col. 10 lines 32, Abstract, Eyal.

As per claim 15, Davis teaches, "active identifiers correspond,...." at col. 5 lines 1 to col. 6 lines 34.

Davis does not explicitly teach the audio content, but Eyal does teach at col. 9 lines 49 to col. 10 lines 32.

Thus it would have been to obvious one ordinarily skilled in the art at the time of the invention was made to have "audio content in a computer system that enables a continuous streaming media playback from a distribution of sites available over a network such as the Internet" of Eyal to "a system and method for enabling a web site promoter using computer network to influence a position within a search result list generated by an Internet search engine" of Davis in order to have means for enabling a web site for a audio content in the network system over the Internet at col. 9 lines 49 to col. 10 lines 32, Abstract, Eyal.

As per claim 2, "....,allowing the user to pay fee,..." at col. 5 lines 35-51.

As per claim 3, "allowing the user to make a first bid,..." at Abstract.

5. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Paten 6,269,361 issued to Davis et al. ("Davis") in view of US Patent 6,389,467 issued to Aviv Eyal ("Eyal") and further in view of US Patent 6,401,118 issued to Jason Thomas ("Thomas").

As per claims 6 and 13 Davis and Eyal does not explicitly teach the MP3 audio file, but Thomas does teach at col. 6 lines 11-67, Abstract.

Thus it would have been to obvious one ordinarily skilled in the art at the time of the invention was made to have "audio content in a computer system that enables a continuous streaming media playback from a distribution of sites available over a network such as the Internet" of Eyal to "a system and method for enabling a web site promoter using computer network to influence a position within a

search result list generated by an Internet search engine" of Davis and "MP3 audio file of a search engine for performing online monitoring activities in order to have means for update of audio file over the Internet at col. 6 lines 11-67, Abstract, Thomas.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 4,905,163 issued to Garber et al. ("Garber").

With respect to claim 14, Davis teaches, "a method of managing a universe of identifiers, some of said identifiers being active,..." at Abstract.

With respect to claim 16, Davis teaches, "auctioning to the highest bidder (Abstract) the privilege of defining a link,..." at col. 5 lines 1 to col. 6 lines 34;

"at expiry of said predetermined time period,..." at col. 5 lines 1 to col. 6 lines 34.

As per claim 17, "proceeds of said re-auctioning are shared with the high bidder,..." at col. 5 lines 1 to col. 6 lines 34.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or

proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Mohammad Ali

Patent Examiner

July 31, 2002

JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100